

**ASSEMBLY BILL**

**No. 12**

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**Introduced by Assembly Members Beall and Bass**

**(Coauthors: Assembly Members Ammiano, Chesbro, Coto, Davis, De Leon, Eng, Jones, John A. Perez, Portantino, Solorio, and Swanson)**

December 1, 2008

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An act to add Section 11401.05 to, to add Article 4.7 (commencing with Section 11385) to, and to repeal Article 4.5 (commencing with Section 11360) of, Chapter 2 of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to foster children.

LEGISLATIVE COUNSEL'S DIGEST

AB 12, as introduced, Beall. California Fostering Connections to Success Act.

Existing law, through the Kinship Guardianship Assistance Payment Program (Kin-GAP), which is a part of the CalWORKs program, provides aid on behalf of eligible children who are placed in the home of a relative caretaker. The program is funded by state and county funding and available federal funds.

This bill, effective January 1, 2010, would repeal the Kin-GAP Program and would require the state to exercise its option under specified federal law to establish a kinship guardianship assistance payment program, as specified.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds. Under existing law, AFDC-FC benefits are available,

with specified exceptions, on behalf of qualified children under 18 years of age. Moneys from the General Fund are continuously appropriated to pay for the state's share of AFDC-FC costs.

This bill would require the department to amend its foster care state plan required under specified federal law, to extend AFDC-FC benefits, commencing October 1, 2010, to specified individuals up to 21 years of age, in accordance with a designated provision of federal law.

This bill would provide that no appropriation from the General Fund would be made for the purposes of implementing these provisions.

By increasing duties of counties administering the AFDC-FC program, this bill also would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known, and may be cited, as the  
2 "California Fostering Connections to Success Act."  
3 SEC. 2. Article 4.5 (commencing with Section 11360) of  
4 Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions  
5 Code is repealed.  
6 SEC. 3. Article 4.7 (commencing with Section 11385) is added  
7 to Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions  
8 Code, to read:  
9  
10 Article 4.7. Kinship Guardianship Assistance Payments for  
11 Children  
12  
13 11385. (a) Effective January 1, 2010, the State Department of  
14 Social Services shall exercise its option under Section 671(a)(28)  
15 of Title 42 of the United States Code to enter into kinship  
16 guardianship assistance agreements to provide kinship guardianship  
17 assistance payments on behalf of children to grandparents and

1 other relatives who have assumed legal guardianship of the children  
2 for whom they have cared as foster parents and for whom they  
3 have committed to care on a permanent basis, as provided in  
4 Section 673(d) of Title 42 of the United States Code. All references  
5 to Article 4.5 (commencing with Section 11360) of the Kinship  
6 Guardianship Assistance Payment Program (Kin-GAP) shall be  
7 deemed to be references to this article.

8 (b) A kinship guardianship assistance payment made under this  
9 article on behalf of a child shall not exceed the rate for children  
10 placed in a licensed or approved home.

11 (c) It is the intent of the Legislature to ensure that relative  
12 guardians of children in long-term, stable placements who  
13 previously were receiving kinship guardianship assistance  
14 payments on behalf of those children under Article 4.5  
15 (commencing with Section 11360) shall instead receive assistance  
16 under this article.

17 11386. Aid shall be provided under this article on behalf of a  
18 child under all of the following conditions:

19 (a) The child meets both of the following requirements:

20 (1) He or she has been removed from his or her home pursuant  
21 to a voluntary placement agreement, or as a result of judicial  
22 determination, including being adjudged a dependent child of the  
23 court, pursuant to Section 300, or a ward of the court, pursuant to  
24 Section 601 or 602, to the effect that continuation in the home  
25 would be contrary to the welfare of the child.

26 (2) He or she has been eligible for foster care maintenance  
27 payments under Article 5 (commencing with Section 11400) while  
28 residing for at least six consecutive months in the home of the  
29 relative guardian.

30 (b) Being returned to home or adopted are not appropriate  
31 permanency options for the child.

32 (c) The child demonstrates a strong attachment to the relative  
33 guardian, and the relative guardian has a strong commitment to  
34 caring permanently for the child.

35 11387. (a) In order to receive federal financial participation  
36 for payments under this article, the department shall negotiate and  
37 enter into a written, binding, kinship guardianship assistance  
38 agreement with the relative guardian of an eligible child, and  
39 provide the relative guardian with a copy of the agreement.

(b) The agreement shall specify, at a minimum, all of the following:

(1) The amount of and manner in which the kinship guardianship assistance payment will be provided under the agreement, and the manner in which the agreement may be adjusted periodically, in consultation with the relative guardian, based on the circumstances of the relative guardian and the needs of the child.

(2) Additional services and assistance for which the child and relative guardian will be eligible under the agreement.

(3) A procedure by which the relative guardian may apply for additional services, as needed.

(4) Subject to subdivision (d), that the state shall pay the total cost of nonrecurring expenses associated with obtaining legal guardianship of the child, to the extent that the total cost does not exceed two thousand dollars (\$2,000).

(c) The agreement shall provide that it shall remain in effect regardless of the state of residency of the relative guardian.

(d) Nothing in paragraph (4) of subdivision (b) shall be construed to affect the ability of the state to obtain reimbursement from the federal government for the costs described in that paragraph.

11388. If a child described in Section 11386 has one or more siblings who are not so described, the child and any sibling of the child may be placed in the same kinship guardianship arrangement, in accordance with Section 671(a)(31) of Title 42 of the United States Code, if the department and the relative agree on the appropriateness of the arrangement for the siblings. Kinship guardianship assistance payments may be paid on behalf of each sibling placed in accordance with this section.

SEC. 4. Section 11401.05 is added to the Welfare and Institutions Code, to read:

11401.05. The department shall amend the foster care state plan required under Subtitle IV-E (commencing with Section 470 of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.)), to extend benefits under this article, commencing October 1, 2010, to an individual who is in foster care under the responsibility of the state, or with respect to whom an adoption assistance agreement or a kinship guardianship assistance agreement is in effect, in accordance with the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351).

1 SEC. 5. No appropriation pursuant to Section 15200 of the  
2 Welfare and Institutions Code shall be made for the purpose of  
3 implementing this act.

4 SEC. 6. If the Commission on State Mandates determines that  
5 this act contains costs mandated by the state, reimbursement to  
6 local agencies and school districts for those costs shall be made  
7 pursuant to Part 7 (commencing with Section 17500) of Division  
8 4 of Title 2 of the Government Code.

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